



Public Utility Commission of Texas

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Robert W. Gee
Chairman

Sarah Goodfriend
Commissioner

Pat Wood, III
Commissioner

September 1, 1995

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Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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RE: Notice of Proposed Rulemaking, In the Matter of: Telephone Number Portability
CC Docket No. 95-116

Dear Secretary:

Enclosed for filing are an original and nine copies of the Public Utility Commission of Texas' comments in response to the Notice of Proposed Rulemaking In the Matter of: Telephone Number Portability, CC Docket No. 95-116.

Thank you for your assistance.

Sincerely,

Rowland L. Curry, P.E.
Director
Telephone Utility Analysis Division

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of

Telephone Number Portability

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CC Docket No. 95-116

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**COMMENTS OF
THE PUBLIC UTILITY COMMISSION OF TEXAS**

I. INTRODUCTION

1. On July 13, 1995, the Federal Communications Commission ("FCC" or "Commission") released its Notice of Proposed Rulemaking in this proceeding.¹

2. The FCC tentatively concludes that the portability of telephone numbers benefits consumers of telecommunications services and would contribute to the development of competition among alternative providers of local telephone and other telecommunications services. The Commission also tentatively concludes that it should assume a leadership role in developing a national number portability policy. The FCC recognizes that, at this time, it lacks sufficient information on the monetary and nonmonetary costs of making telephone numbers portable either between service providers, services or locations. Therefore, the FCC is seeking comment to gather this information, as well as opinions regarding whether it should promulgate rules to

¹ Notice of Proposed Rulemaking, In the Matter of Telephone Number Portability, CC Docket No. 95-116 ("NPRM").

ensure the development of number portability and, if so, what those rules should be.² The FCC has asked for comments by September 12, 1995 and reply comments by October 12, 1995.

3. The Public Utility Commission of Texas ("PUCT") offers the following comments.

II. SUMMARY

4. The PUCT believes that telephone number portability is an important issue to the changing telecommunications industry. The Texas Legislature has determined that a uniform national number plan is valuable and necessary to the state, and the PUCT firmly supports the FCC's efforts to develop a uniform national policy on number portability. Although the Legislature defined number portability in terms of service provider portability, the PUCT encourages the FCC to develop a national policy which also promotes service and location number portability. The PUCT believes that a national policy towards these various facets of telephone number portability will promote competition in the telecommunications industry and bring valuable benefits to consumers across the country. Further, the PUCT believes that prior to the FCC setting a nationwide policy regarding telephone number portability, it is important that the FCC explore and study the method in which this issue has been handled by the various states. The experience gained from varying state approaches to

² NPRM, para. 7.

telephone number portability will assist the FCC in promulgating its rules on number portability.

III. STATUS OF TELEPHONE NUMBER PORTABILITY IN TEXAS

5. Recently, the Texas Legislature found that it is the policy of this state to promote diversity of providers and interconnectivity and to encourage a fully competitive telecommunications marketplace, while protecting and maintaining the wide availability of high quality, interoperable, standards-based telecommunications services at affordable rates.³ In adopting competitive safeguards to ensure that competition in telecommunications is fair to all participants and to accelerate the improvement of telecommunications in the state⁴, the Legislature recognized the importance of requiring both long-term and interim telephone number portability measures.⁵ The Legislature defined telecommunications number portability as the ability of a user of telecommunications services, to the extent technically feasible, to retain an existing telephone number without impairing the quality, reliability, or convenience of service when changing from one provider of telecommunications service to another provider.⁶

6. The Legislature recognized that a uniform national number plan is valuable and necessary to the state. For the long-term, the Legislature directed the

³ Public Utility Regulatory Act of 1995 ("PURA 1995"), §3.001. Policy.

⁴ PURA 1995, §3.451. Competitive Safeguards.

⁵ PURA 1995, §3.455. Telecommunications Number Portability.

⁶ PURA 1995, §3.455(b).

PUCT, by rule, to adopt guidelines governing telecommunications number portability and the assignment of telephone numbers in a competitively neutral manner. The PUCT rule may not be inconsistent with the rules and regulations of the FCC regarding telecommunications number portability⁷

7. As an interim measure, the Legislature directed the PUCT to adopt reasonable mechanisms to allow consumers to retain their telephone numbers. At a minimum, these mechanisms shall include the use of call forwarding functions and direct inward dialing. Before November 1, 1995, Southwestern Bell Telephone Company and GTE Southwest, Inc. will file tariffs to implement interim number portability measures. Before March 1, 1996, the PUCT will determine reasonable rates to be charged for such measures. Other incumbent local exchange companies shall file tariffs, upon bona fide request, to implement interim number portability measures.⁸

IV. CONCLUSION

8. As the PUCT proceeds with addressing the issue of telephone number portability in Texas, it will provide the FCC with further comments regarding its experiences in implementing both long-term and interim telecommunications number portability measures.

⁷ PURA 1995, §3.455(a).

⁸ PURA 1995, §3.455(c).

Respectfully submitted,

Public Utility Commission of Texas
7800 Shoal Creek Blvd.
Austin, Texas 78757

August 30, 1995



Pat Wood, III
Chairman



Robert W. Gee
Commissioner



Judy Walsh
Commissioner